



Fact Sheet:



Licensing of Alcoholism or Drug Abuse Recovery or Treatment Facilities: *The Most Frequently Asked Questions*

What is the process for licensing a facility?

Prospective residential facilities that plan to provide nonmedical alcoholism or drug abuse recovery, treatment, or detoxification services to adults need to contact the Department of Alcohol and Drug Programs (ADP), Licensing and Certification Branch, at (916) 322-2911 to request a license application. Prior to initial licensure, the applicant must complete a written application, submit an approved fire clearance from the local fire authority, pay an applicable license fee (nonprofit organizations and local governmental entities are exempt from the license fee), and pass a facility on-site inspection conducted by ADP to determine compliance with all applicable laws and regulations. When it has been determined that the applicant is in compliance with all requirements, ADP will issue a license valid for two years.

What constitutes a “program” for purposes of determining the need for a license?

Title 9, California Code of Regulations (CCR), Section 10501(a)(5)¹, defines a program as providing one or more of the following services within a residential setting:

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| --detoxification | --individual sessions |
| -- educational sessions | -- treatment or recovery planning |
| --group sessions | |

What program areas are addressed by licensure?

The licensing application process includes a thorough review of the facility's program in the following areas: fire clearance, water supply clearance, plan of operation, total occupancy and treatment capacity determination, reporting requirements, personnel requirements, personnel records, admission agreements, health screening, resident records, personal rights, telephones, transportation, health-related services, food service, activities, building and grounds, outdoor and indoor activity space, storage space, and fixtures, furniture, equipment, and

¹ Title 9, CCR, Section 10501(a)(5) - “Alcoholism or Drug Abuse Recovery or Treatment Service” means a service which is designed to promote treatment and maintain recovery from alcohol or drug problems which includes one or more of the following: detoxification, group sessions, individual sessions, educational sessions, and recovery or treatment planning.” Under the general provisions of Title 9, CCR, Section 10500, the preceding definition specifically describes services which are provided within “facilities” licensed under Chapter 7.5 of Part 2 of Division 10.5 of the Health and Safety Code. As defined in Title 9, CCR, Section 10501, “facilities” provide residential-based services.

What facilities do not require licensure by ADP?

The following facilities are not required to be licensed by ADP:

- Facilities which provide a cooperative living arrangement (sometimes referred to as a sober living environment or alcohol and drug free housing) for persons recovering from alcohol and/or other drug problems which do not provide any of the services specified above. It is important to note while sober living environments or alcohol or drug free housing are not required to be licensed by ADP, they may require business permits or clearances from the local city or county in which the houses are located.
- Facilities with licenses from other departments (i.e., group homes licensed by the Department of Social Services; Chemical Dependency Recovery Hospitals licensed by the Department of Health Services),
- Certain facilities administered by the Department of Corrections including the Substance Abuse Treatment Control Unit (SATU) operated under Health and Safety Code (HSC) Section 11560 or Substance Abuse Treatment Facilities which are within prison settings.

What role do local governments play in the licensing process?

ADP is the sole licensing authority for residential nonmedical alcoholism or drug abuse recovery or treatment facilities. Local officials are involved in zoning of property for commercial or residential use and issuance of use permits and business licenses.

Facilities providing services to six or fewer people are exempt from certain local land use, zoning ordinances (not exempt from ADP licensure) and other restrictions, under HSC Section 11834.23². Under HSC Section 11834.23, the smaller facility (six or fewer residents) operator can be treated no differently than would a family occupying a single-family home.

Local fire safety inspectors (or a representative from the State Fire Marshal's Office) conduct site visits in every facility applying for licensure to determine compliance with fire safety regulations. Although ADP may issue a license without regard to a conditional use permit, no license can be issued without an appropriate fire safety clearance. Facilities utilizing central food service may also be subject to special permits issued through the local health department.

² HSC Section 11834.23 states "Whether or not unrelated persons are living together, an alcoholism or drug abuse recovery or treatment facility which serves six or fewer persons shall be considered a residential use of property for the purposes of this article. In addition, the residents and operators of such a facility shall be considered a family for the purposes of any law or zoning ordinances which relates to the residential use of property pursuant to this article . . . No conditional use permit, zoning variance, or other zoning clearance shall be required of an alcoholism or drug abuse recovery or treatment facility which serves six or fewer persons that is not required of a single-family residence in the same zone . . ."

What laws govern the licensing and location of these facilities?

HSC Section 11834.01 governs the licensing of the facilities. Locations are governed by local zoning and business ordinances. The Federal Fair Housing Act of 1988 provides protection from discrimination for facilities serving persons recovering from problems related to the use of alcohol or other drugs. The Uniform Building Code identifies the fire clearance requirements.

Who do these facilities serve?

Residential facilities licensed by ADP serve adults (18 and older) addicted to alcohol or other drugs who wish to recover. Adult facilities may serve a very limited number of adolescents (14 and older) on a waiver basis. Dependent children may also reside in some facilities with their parents.

What types of services do these programs provide?

Facilities licensed by ADP provide education/group/individual sessions, recovery or treatment planning, and detoxification services. Additionally, the facility may also provide peer support, social and recreational activities, and information about and referral to appropriate community services.

How are these services paid for?

Payments for services are arranged by agreement between the resident and the facility. Some facilities receive federal and state funds, through contracts with counties. County contracted facilities usually can offer lower rates, but residents are expected to pay based on their financial ability, except that these facilities cannot refuse services to an individual based solely upon the individual's inability to pay. Although costs may vary, any recovery or treatment service fee must be addressed in a written agreement at time of admission.

How does the State investigate situations involving unlicensed facilities?

If ADP receives a complaint in which a facility is alleged to be in violation of operating without a license, ADP staff shall initiate an investigation within ten working days of receipt of the complaint. If ADP finds that services are being provided unlawfully, ADP will notify the operator to cease operation. ADP does have the authority to assess fines for noncompliance if unlicensed facilities fail to comply, and may ask for court assistance to order closure of a facility.